
UNITED STATES DISTRICT COURT
NORTHERN District of NEW YORK

UNITED STATES OF AMERICA

vs.

SHANE DeSILVA

**ORDER ON 2255 MOTION PURSUANT TO
18 U.S.C. §§ 1028 (a)(4) and/or (a)(6) FOR
CORRECTED JUDGMENT**

Case
Number: 5:02-CR-0068-002

Upon the motion of the defendant for a corrected judgment based on the December 17, 2008, determination by the United States Department of Justice, that the increased penalty provisions contained in 18 U.S.C. §§ 1028(b)(1) and (b)(2) do not apply as a matter of law to convictions under 18 U.S.C. §§ 1028(a)(4) and (a)(6), and the Court having reviewed said determination and said statutes and agreeing with the position of the United States on this matter,

IT IS ORDERED that the 2255 motion by defendant is granted and an amended judgment is to be issued reflecting the offense of conviction pursuant to 18 U.S.C. §§ 1028(a)(4) and/or (a)(6) as a misdemeanor.

IT IS SO ORDERED.

April 7, 2009
Order Date



Norman A. Mordue
Chief United States District Court Judge